

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
AT KNOXVILLE

ORDER MODIFYING CONDITIONS OF RELEASE

All pretrial motions in this case have been referred to the undersigned pursuant to 28 U.S.C. § 636(b) for disposition or report and recommendation regarding disposition by the District Court as may be appropriate. This case is before the Court on the Defendant's Motion to Modify Mr. Huff's Conditions of Release [Doc. 117], filed on September 23, 2011. The Defendant asks that the present conditions that he not leave the state of Georgia without the permission of his pretrial services officer and that he not have any contact with certain potential witnesses be removed. He states that he needs to meet freely with counsel and to participate with counsel in interviewing witnesses in order to prepare his case for trial.

Paragraph (8)(i) of the Order Setting Conditions of Release [Doc. 9] requires that the Defendant not “travel outside Georgia without permission of Probation Officer [and have] No presence in Monroe Co., TN.” This condition was previously amended [Doc. 28] to allow the Defendant “to travel to Monroe County, Tennessee, for attorney visits; court appearances; court-ordered obligations; or other activities pre-approved by the supervising officer.” The Defendant has

given no reason why this condition would prevent him from meeting with his attorney and preparing for trial. Although the Defendant contends that counsel needs his assistance to identify the places he went on April 20, 2010, the Court finds that the earlier modification of this condition would permit the Defendant to travel to Monroe County with his attorney for this purpose, if he gained preapproval from his pretrial services officer. The Defendant's request that this condition be modified is **DENIED**. If the Defendant's pretrial services officer will not permit him to travel to meet with counsel, the Defendant may move the Court for further relief.

Paragraph (8)(j) requires that the Defendant avoid all contact with anyone who may be a potential witness in this case, including "Walter Fitzpatrick[;]" any governmental employees or officials of the state of TN or any county in TN, including Monroe Co., TN[;] any past or present Monroe Co. Grand Jury members; or any members of [the] Georgia Militia or "Oath Keepers." The Defendant maintains that his "presence should be allowed when witness(s) are interviewed, subject only to the decision by he and his counsel on the appropriateness of his presence for each such interview." The Court finds this request to be reasonable and necessary to the Defendant's preparation of his defense. Accordingly, the Defendant's request is **GRANTED in part**, in that the Defendant may be present when his attorney interviews potential witnesses in this case, including any potential witnesses listed in paragraph (8)(j). The Defendant shall continue to have no other contact, either direct or indirect, with potential witnesses or those persons listed in paragraph (8)(j), other than being present when any such witness is interviewed by the Defendant's counsel. The Defendant must still seek prior permission for travel to any such interviews from his pretrial services officer, just as he would seek permission for travel to meet with his attorney.

Accordingly, the Defendant's Motion to Modify Mr. Huff's Conditions of Release [**Doc. 117**]

is **GRANTED in part** and **DENIED in part**, as set out above. Paragraph (8)(j) of the Order Setting Conditions of Pretrial Release [**Doc. 9**] is modified to allow the Defendant to be present when his counsel interviews potential witnesses in this case, subject to the other conditions imposed upon the Defendant.

IT IS SO ORDERED.

ENTER:

s/ H. Bruce Guyton
United States Magistrate Judge